

RESOLUTION NO. 09-071

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 3,  
2009, FOR THE PURPOSE OF SUBMITTING A REFERENDUM TO THE VOTERS  
TO RATIFY OR REJECT THE CITY COUNCIL'S APPROVAL OF ADJUSTMENTS  
TO WATER USER FEES AS SET FORTH IN ORDINANCE NO. 953 N.S., AS  
ADOPTED BY THE CITY COUNCIL ON FEBRUARY 3, 2009

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WHEREAS, pursuant to Elections Code section 9240, a petition for referendum seeking the repeal of Ordinance No. 953 N.S. was found to be sufficient, and the City Clerk certified the results of the examination to the City Council at its April 7, 2009, meeting; and

WHEREAS, pursuant to Elections Code section 9241, if the City Council does not entirely repeal the ordinance against which the petition is filed, the City Council shall submit the ordinance to the voters; and

WHEREAS, pursuant to Elections Code sections 1410 and 9241, the election shall be held at the next regular municipal election occurring not less than 88 days after the date of the order of election, or at a special election called for that purpose not less than 88 days after the date of the order of election; and

WHEREAS, the next regular municipal election is in November 2010.

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Calling of the Special Election. Pursuant to the laws of the State of California relating to municipal referenda and municipal elections, including municipal elections consolidated with other elections, the City Council of the City of El Paso de Robles hereby calls and orders held a special municipal election to be held in the City of El Paso de Robles, County of San Luis Obispo, State of California on November 3, 2009, for the purpose of placing on the ballot the following measure:

"MEASURE \_\_\_\_\_

Shall the City Council's approval of Ordinance No. 953 N.S., increasing monthly water user rates effective January 1, 2010, where the rate for water users shall be a combination of a fixed rate plus a variable rate based on consumption, and where the variable rate component shall be further adjusted every January 1, up to, and including, January 1, 2014, be ratified?
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Yes: \_\_\_\_\_ No: \_\_\_\_\_"

A full and complete copy of Ordinance No. 953 N.S. is attached hereto as Exhibit 1 and incorporated herein by this reference.

SECTION 2. Said special election shall be held on November 3, 2009. In all particulars not recited in this Resolution, said special election shall be conducted as provided by law for the holding of municipal elections in the City and the consolidation of municipal elections with other elections. Said special election shall be consolidated with all other elections to be held within the City on November 3, 2009.

SECTION 3. The City Council hereby directs the County Clerk to administer the special election to be held on November 3, 2009.

SECTION 4. The City Council hereby authorizes the appropriation of \$75,000 from the City's Water Operation Fund to finance the special election.

SECTION 5. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure in accordance with section 9280 of the Election Code showing the effect of the measure on existing law and the operation of the measure.

SECTION 6. Rebuttal arguments may be submitted as provided for in section 9285 of the Elections Code of the State of California. The provisions of said section 9285 are hereby adopted and shall apply to this election.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 2nd day of June, 2009, by the following roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Duane Picanco, Mayor

ATTEST:

\_\_\_\_\_  
Cathy David, Deputy City Clerk

**EXHIBIT 1**

**ORDINANCE NO. 953 N.S.**

[To Be Inserted.]